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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,712	08/26/2003	Chris Zegelin	A35499	4070

21003 7590 05/05/2005

BAKER & BOTTS
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NEW YORK, NY 10112

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,712	ZEGELIN, CHRIS	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/25/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 06/09/03 have been considered by the examiner (see attached PTO-1449

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Sollee et al. (US patent Number 6,195,550 B1).

Regarding claims 1, 6, 11, 14, Sollee teaches a system/ portable device wherein a portable device, arranged for wireless data communications with a computer, is located using radio signals between said portable device and fixed devices, and wherein said computer uses a database relating radio signal characteristics to location to compute location of said device, and communicates location data to said portable device using wireless data communications (col 3 lines 27-34), the improvement wherein said computer communicates characteristic data

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representing radio signal environment in a sub-area corresponding to said location data to said portable device, and wherein said portable device monitors received radio signals corresponding to said data representing radio signal environment to detect a change in location of said device (col 4 lines 50-65).

Regarding claims 2, 7, Sollee teaches a system/portable device wherein said portable device uses said characteristic data and said radio signals corresponding to said radio signal environment to update said location data (col 4 lines 11-36).

Regarding claims 3, 8, Sollee teaches a system/portable device wherein said device is arranged to transmit said location data to a computer in association with other data and wherein said device transmits said updated location data in association with said other data (col 3 lines 59-67, col 4 lines 1-11).

Regarding claims 4, 9, 12, 15, Sollee teaches a system/portable device wherein said portable device signals said computer to provide updated location data if said device determines that it has changed location (col 4 lines 11-49).

Regarding claims 5, 10, 13, 16, Sollee teaches a system wherein said portable device signals said computer to provide an increased rate of updated location data if said device determines that it has moved (col 1 lines 47-58).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Couaillet (US Patent 6,768,719 B1) disclose method and apparatus for mobile assisted detection of a transmission fault on the ABIS interface of a mobile telecommunications network

Dupray (US Publication 2004/0266457 A1) disclose wireless location gateway and applications therefore

Hiyama et al. (US Publication 2004/0235496 A1) disclose local location manager home location manager and mobile communication system

5. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913, the examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

May 2, 2005



MELODY MEHROUR
PATENT EXAMINER